

IN THE COURT OF APPEALS OF TENNESSEE  
AT NASHVILLE

Assigned on Briefs May 14, 2007

**WILLIAM A. MEADOWS, JR. v. TENNESSEE DEPARTMENT OF  
CORRECTION, ET AL.**

**Appeal from the Chancery Court for Davidson County**  
**No. 04-2422-III Ellen Hobbs Lyle, Chancellor**

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**No. M2005-00469-COA-R3-CV - Filed July 18, 2007**

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Appellant, a Department of Correction prisoner, challenges Department Policy Index 506.21 relative to inmate drug/alcohol testing in a suit pursuant to Tenn. Code Ann. § 4-5-225. The trial court granted a Motion to Dismiss filed by Appellee. The action of the trial court is affirmed.

**Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Chancery Court Affirmed**

WILLIAM B. CAIN, J., delivered the opinion of the court, in which WILLIAM C. KOCH, JR., P.J., M.S., and PATRICIA J. COTTRELL, J., joined.

William A. Meadows, Jr., Nashville, Tennessee, *Pro Se*.

Robert E. Cooper, Attorney General and Reporter; Michael E. Moore, Solicitor General; and Jennifer L. Brenner, Nashville, Tennessee, for the appellees, Tennessee Department of Correction and George M. Little.

**MEMORANDUM OPINION<sup>1</sup>**

William A. Meadows, Jr. is a prisoner in the custody of the Tennessee Department of Correction (TDOC) who was subjected to laboratory urinalysis testing for drug use under the authority of TDOC's Policy Index 506.21. He filed this action under Tenn. Code Ann. §§ 4-5-223 and 4-5-225 seeking a declaratory judgment that Policy Index 506.21 is unconstitutional and seeking to enjoin further enforcement of the policy.

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<sup>1</sup>Tenn. R. Ct. App. 10 states:

This Court, with the concurrence of all judges participating in the case, may affirm, reverse or modify the actions of the trial court by memorandum opinion when a formal opinion would have no precedential value. When a case is decided by memorandum opinion it shall be designated "MEMORANDUM OPINION," shall not be published, and shall not be cited or relied on for any reason in any unrelated case.

The trial court held:

The plaintiff filed the above-captioned matter citing to Tennessee Code Annotated section 4-5-225 asserting that he seeks a determination of the legal validity and application of a State agency policy. The plaintiff, an inmate, contends that the Tennessee Department of Correction's application of its laboratory urine testing policy 506.21 violates his constitutional rights. Specifically, the plaintiff contends that the sampling policy is not being followed by the Department as to assuring proper chain of custody and that the sampling is accurate. The plaintiff also contends that the policy authorizes the Department to test 10% of the entire population per month whereas the statute on which the policy is based only permits testing of 25 prisoners in each adult institution every 30 days. The petitioner admits that his subjection to the testing has yielded negative results, and there is no allegation that he has been disciplined or lost and privileges because of an inaccurate positive drug test.

This matter is before the Court on the motion of the respondent to dismiss. The sole basis for the motion to dismiss is that the plaintiff's claim does not fit within the criteria of section 4-5-225. That section grants jurisdiction to the Chancery Court of Davidson County to determine the legal validity or applicability of a statute, rule or order. The respondent contends that TDOC Policy 506-21 pertaining to inmate drug testing does not constitute a rule, and thus, this Court has no jurisdiction to consider the legal validity or how it is being applied to the inmate.

After reviewing the authority cited in the respondent's motion to dismiss: *Mandela v. Campbell*, 978 S.W.2d 531 (Tenn.1998); *Jaami v. Conley*, 958 S.W.2d 123, 127 (Tenn.Ct.App.1997); *Boles v. Tennessee Dept. of Correction*, 2003 WL 840283 (Tenn.Ct.App.2001); *Nunley v. Tennessee Dept. of Correction*, 2003 WL 22019112 (Tenn.Ct.App.2003), as well as a case located by the Court: *Fuller v. Campbell*, 109 S.W.3d 737 (Tenn.Ct.App.2003), the Court concludes that the plaintiff's claim does not fit within the criteria of a rule of section 4-5-225 and, therefore, this Court does not have jurisdiction. In so concluding, the Court has relied heavily upon *Fuller*. In that case an inmate filed a claim under section 4-5-225, as well as other grounds, seeking a declaratory order that because of his medical condition the Department should be required to test him for drugs by a patch rather than by a urine sample. Judge Cantrell, in dismissing the claim under section 4-5-225, explained that that section does not apply to the internal management policy of State government if the policy does not affect the private rights, privileges or procedures available to the public. He concluded that the policy under review pertaining to drug testing fell within that category.

In that the only legal theory the plaintiff has filed his claim under is section 4-5-225 and in that this Court has determined that his claim is not cognizable under that section, the Court dismisses the plaintiff's lawsuit.

It is therefore ORDERED that the respondent's motion to dismiss for failure to state a claim is granted. Court costs and any fax filing fees are assessed against the plaintiff. The dismissal of the plaintiff's cause of action ends this lawsuit, and, therefore, the respondent is not required to answer requests for production and inspection of documents and requests for admissions filed by the plaintiff with this Court.

This Court in *Fuller v. Campbell*, 109 S.W.3d 737 (Tenn.Ct.App.2003), considered a challenge to this same policy and held that no cause of action was stated.

Mr. Fuller also contends that he is entitled to a declaratory judgment under Tenn.Code Ann. § 4-5-223 and 225. These sections allow the court to render a declaratory judgment on the "legal validity of a statute, rule or order of an agency" where the plaintiff has first sought and been denied a declaratory order from the agency itself. These sections, however, do not apply to the internal management of state government if the policy does not affect the private rights, privileges, or procedures available to the public. Tenn.Code Ann. § 4-5-102(10)(A); *Mandela v. Campbell*, 978 S.W.2d 531 (Tenn.1998). The chancellor held that the policy fell into that category, and we agree.

109 S.W.3d at 739.

Fuller sought permission to appeal, which was denied by the Supreme Court on July 16, 2003.

The trial court correctly held that no cause of action is stated under Tenn. Code Ann. §§ 4-5-223 and 4-5-225, and the judgment of the trial court is in all respects affirmed. Costs of this cause are assessed to Appellant.

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WILLIAM B. CAIN, JUDGE